

# **Exhibit 8**

The New York Times  
nytimes.com



October 15, 2007

SIDEBAR

## Competing for Clients, and Paying by the Click

By ADAM LIPTAK

You can do cool things with [Google](#), like take the pulse of the legal profession.

Google is, of course, more than a search engine. It also sells advertising, including the shaded “sponsored links” that run next to the real search results. It auctions off those ads to advertisers, who agree to pay a given amount each time someone clicks on their link.

“Christmas recipes,” for instance, was going for 54 cents per click the other day. “[Britney Spears](#)” cost 36 cents, and “Britney Spears nude” only 21 cents.

But “Oakland personal injury lawyer” cost \$58.03. “Asbestos attorney” cost \$51.68. And “mesothelioma attorney Texas” — mesothelioma is a kind of cancer caused by inhaling asbestos — cost \$65.21.

A Web site called CyberWyre, at [www.cwire.org](#), posts a regularly updated list of the most expensive search terms. “The four leading industries are definitely law, medicine, finance and travel,” said Sam Elhag, who writes for the site. On a recent visit, lawyers and lung cancer dominated the top 10.

Ted Frank, the director of the Legal Center for the Public Interest at the American Enterprise Institute, said the fact that some personal injury lawyers were willing to pay \$60 a click was telling, particularly given that relatively few of those clicks would bring in actual business.

“These lawyers don’t really litigate cases — they settle cases,” Mr. Frank said. “And they need a big inventory of cases. The only job of the attorney is to come up with the clients.”

“There is nothing wrong with what Google is doing,” he added. “There is nothing wrong with advertising for clients. It’s just fascinating that clients are worth so much.”

And there is no client more lucrative than one with mesothelioma. That word has hovered near the top of the CyberWyre list since 2003, Mr. Elhag said.

William G. Childs, an assistant professor at Western New England College School of Law, explained why, as he put it, “mesothelioma is clearly the highest-dollar value.”

“It doesn’t happen except through asbestos, with vanishingly small exceptions,” Professor Childs said. “The vast majority of cases settle and settle rather easily. And they’re not hard to work up.”

The market for Google search terms says something, then, about the market for plaintiffs’ lawyers. For reasons that baffle economists, personal injury lawyers all charge roughly the same amount for their services, typically a third to 40 percent of any recovery.

“What explains this puzzle?” asked Alex Tabarrok, who teaches economics at George Mason University. “No one knows.” It may be, he said, that offering to work for less might be thought to signal that you are a bad lawyer.

In any event, Mr. Frank said, the high prices on Google are a direct consequence of this economic anomaly.

“Instead of competing on price,” he said of plaintiffs’ lawyers, “they compete on Google.”

Google advertising has the benefit of being narrowly focused, said Walter Olson, a senior fellow at the Manhattan Institute, a conservative research group. “I assume relatively few people searching for ‘mesothelioma’ are doing it out of idle curiosity,” Mr. Olson said.

But some of them are looking for medical information, and they are often disappointed. “If you are searching for information on mesothelioma,” Mr. Olson said, “you will have to dodge dozens and dozens of lawyer advertisements.”

The top sponsored link that came up yesterday with a search for “mesothelioma,” for instance, was for a site that promised information “about mesothelioma’s causes, symptoms and types of treatment.” It urged readers to contact a toll-free number for more information. In the fine print at the bottom, the site revealed that it was sponsored by a Texas law firm.

For what it’s worth, what little medical information appeared on the site seemed sound and disinterested. That is not always the case, Mr. Olson said. “In areas like cerebral palsy,” he said, lawyers’ Web sites “will steer you into highly tendentious information.”

Personal injury lawyers are not the only ones who advertise on Google. “Tax lawyer” cost \$34.32 the other day, “bankruptcy lawyer” \$8.46 and “patent lawyer” \$5.08.

“Pro bono lawyer” — the kind who handles cases without a fee — went for \$2.89. (The top advertiser was a referral service for criminal defense lawyers. And no, they were not volunteering to handle cases pro bono.)

Susan Crawford, a visiting professor at the [University of Michigan](#) Law School, said lawyers’ enormous enthusiasm for Internet advertising meant the medium might have reached middle age. “Lawyers are usually the slowest to adopt any form of new technology,” she said.

Professor Childs, who has written about advertising by lawyers on Google on his TortsProf blog, [lawprofessors.typepad.com/tortspref](#), said he sometimes typed in Web site addresses rather than clicking on sponsored links when doing his research.

“It feels a little weird to cost them 50 bucks to satisfy my curiosity,” he said.

That had not occurred to me. In working on this column, I looked at a bunch of lawyers’ Web sites, at a cumulative cost to them of, oh, \$1,000. Sorry.

*Online: An archive of Adam Liptak’s articles and columns: [nytimes.com/adamliptak](#).*

